

### **REMARKS/ARGUMENTS**

Claims 1-6, 9-14 and 17-24 are pending. Claims 1, 4, 11, 17, and 21 have been amended, claims 4-6 have withdrawn from consideration, and claims 7-8 and 15-16 have been cancelled. Reconsideration is respectfully requested.

#### **1. Restriction**

The Applicants hereby confirm the provisional election to prosecute the species of Fig. 1, without traverse. Claims 4-6 have been withdrawn from consideration (although claim 4 has been amended to correct an error in dependency).

#### **2. Drawings**

The drawings were objected to under 37 CFR 1.84(p)(5) because they do not include reference signs 20 and 46 (from pages 3 and 4 of the description, respectively). The description has been amended to remove these unused reference sign designations. Reference signs 20 and 46 are unnecessary since the description and drawings utilize 20a, 20b, 46a and 46b to refer the housing components.

The drawings were also objected to because they were not drawn uniformly and were of low quality (i.e. they were informal drawings). Formal drawings are submitted herewith to overcome these objections.

#### **3. Objection to Disclosure**

The disclosure was objected to because of the use of the term “solid tube-shaped member”, because “tube” is hollow by definition. For clarity, the disclosure has been amended to instead refer to “cylindrically-shaped”. No new matter has been added, since Fig. 2C as originally filed clearly shows cylindrically shaped member 62 on compression tube 60.

#### **4. Rejection of Claims 8 and 16 Under §112**

Claims 8 and 16 were rejected under 35 U.S.C. 112, second paragraph as being indefinite for using the term “tube shaped”. The limitations of claims 8 and 16 have been incorporated into claims 1 and 11, with claims 8 and 16 being cancelled. However, for clarity, the term “tube shaped” has been replaced with “cylindrically shaped”.

#### **5. Rejection of Claims 1-3, 7-8 and 10 Under §102(b)**

Claims 1-3, 7-8 and 10 were rejected under 35 U.S.C. 102(b) as being anticipated by either of US Patent 3,192,863 (Vadot), US Patent 2,693,766 (Seyler) or US Patent 2,899,906 (Becher). Claims 7-8 have been cancelled.

Claim 1 has been amended to include the limitations of claims 7-8, and to recite that the compression means rest position results in the compression tube being free of any occlusions. Therefore, claim 1 now recites, among other things, the combination of compression means to create a moving occlusion of the compression tube with at least one rest position in which the compression tube is free of any occlusions, and a cylindrically shaped integrally formed flange of the compression tube that engages with a channel on the compression surface for securing the compression tube to the compression surface. It is submitted that, while some of these elements were incorporated in various pump devices of the cited prior art, there is no apparent teaching or suggestion in the cited references to make the entire claimed combination of elements as recited in amended claim 1.

Claims 2-3 and 10 depend from claim 1, and are therefore considered allowable for the reasons set forth above.

#### **6. Rejection of Claims 9, 11-16 and 24 Under §103(a)**

Claims 9, 11-16 and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,938,414 (Kayahara) in view of Seyler. Claims 15-16 have been cancelled.

Claim 9 depends from claim 1, and is considered allowable for the reasons set forth above in Part 5. Moreover, there is no teaching or suggestion in Kayahara and Syler to utilize a cylindrically shaped integrally formed flange on the compression tube and a channel formed on the compression surface of a removable cassette to receive the cylindrically shaped flange, as recited in claims 1 and 9.

Claim 11 has been amended to include the limitations of claims 15-16, and to recite that the roller has a rest position that results in the compression tube being free of any occlusions. Therefore, claim 11 now recites, among other things, the combination of a roller to create a moving occlusion of the compression tube with at least one rest position in which the compression tube is free of any occlusions, and a cylindrically shaped integrally formed flange of the compression tube that engages with a channel on the compression surface for securing the compression tube to the compression surface. It is submitted that, while some of these elements were incorporated in various pump devices of the cited prior art, there is no teaching or suggestion in Kayahara and Syler to make the entire claimed combination of elements as recited in amended claim 11.

Claims 12-14 and 24 depend from claim 11, and are considered allowable for the reasons set forth above.

#### **7. Rejection of Claims 11 and 17-20 Under §103(a)**

Claims 11 and 17-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,620,312 (Hyman) in view of Seyler.

As stated above, claim 11 has been amended to include the limitations of claims 15-16, and to recite that the roller has a rest position that results in the compression tube being free of any occlusions. Therefore, claim 11 now recites, among other things, the combination of a roller to create a moving occlusion of the compression tube with at least one rest position in which the compression tube is free of any occlusions, and a cylindrically shaped integrally formed flange of the compression tube that engages with a channel on the compression surface

for securing the compression tube to the compression surface. It is submitted that, while some of these elements were incorporated in various pump devices of the cited prior art, there is no teaching or suggestion in Hyman and Syler to make the entire claimed combination of elements as recited in amended claim 11.

Regarding claims 17-19, these claims are indicated as allowable if rewritten into independent form (which has been done) on both page 1 and page 7 of the Office Action. It is therefore assumed that the inclusion of claims 17-19 in this rejection was in error.

Regarding claim 20, this claim depends from claim 11, which is considered allowable for the reasons set forth above.

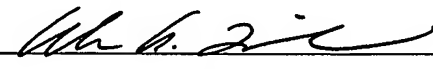
#### **8. Allowable Subject Matter**

Claims 17-19 and 21-23 were indicated as allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Claims 17 and 21 were so amended (with claims 18-19 and 22-23 dependent on claims 17 and 21, respectively).

For the foregoing reasons, it is respectfully submitted that the claims are in an allowable form, and action to that end is respectfully requested.

Respectfully submitted,

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